

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

ULUAMA NIUTUPUIVAHA and LUISA)	CIVIL NO. 13-00172 LEK-KSC
NIUTUPUIVAHA,)	
)	
Plaintiffs,)	
)	
vs.)	
)	
WELLS FARGO BANK, N.A.;)	
COUNTRYWIDE HOME LOANS, INC.,)	
BANK OF AMERICA; CHASE BANK;)	
MORTGAGE ELECTRONIC)	
REGISTRATION SYSTEMS, INC.;)	
NEWYORK, RASC SERIES, TRUST)	
HOME EQUITY MORTGAGE and DOES)	
1-100,)	
)	
Defendants.)	
_____)	

ORDER DISMISSING CLAIMS WITHOUT PREJUDICE

Plaintiffs Uluama Niutupuivaha and Luisa Niutupuivaha ("Plaintiffs") filed their First Amended Complaint for Damages ("First Amended Complaint") on September 18, 2013. [Dkt. no. 33.] On February 3, 2014, this Court issued an Order to Show Cause ("the OSC"), noting that there was no indication in the record that Plaintiffs served the First Amended Complaint on the only defendants remaining in this action - Defendants Countrywide Home Loans, Inc., Bank of America, and Chase Bank (collectively "the Remaining Defendants"). [Dkt. no. 47.] This Court therefore ordered Plaintiffs to file a statement showing good cause why this Court should not dismiss Plaintiffs' claims against the Remaining Defendants for failure to serve the First

Amended Complaint on the Remaining Defendants within 120 days after filing, as required by Fed. R. Civ. P. 4(m). This Court ordered Plaintiffs to file their response to the OSC by February 10, 2014, and this Court cautioned Plaintiffs that, if they failed to respond to the OSC, this Court would dismiss all of Plaintiffs' claims against the Remaining Defendants without prejudice, and this Court would direct the Clerk's Office to close this case.

Plaintiffs neither filed proof of service on any of the Remaining Defendants nor filed a response to the OSC. Pursuant to Fed. R. Civ. P. 4(m) and the terms of the OSC, this Court HEREBY DISMISSES Plaintiffs' claims against Defendants Countrywide Home Loans, Inc., Bank of America, and Chase Bank WITHOUT PREJUDICE for failure to serve.

There being no remaining claims in this action, this Court DIRECTS the Clerk's Office to close this case.

IT IS SO ORDERED.

DATED AT HONOLULU, HAWAII, February 11, 2014.



/s/ Leslie E. Kobayashi
Leslie E. Kobayashi
United States District Judge

ULUAMA NIUTUPUIVAHA, ET AL. VS. WELLS FARGO BANK, N.A., ET AL;
CIVIL 13-00172 LEK-KSC; ORDER DISMISSING CLAIMS WITHOUT PREJUDICE